

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 08 JAN -2 PM 3: 24

APPROVED BY EPA:

Region 7, 901 North 5th Street, Kansas City, KS 66101 EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-07-2007-0083, NPDES No.:KS-R103949

ENVIRONMENTAL PROTECTION AGENCY-REGION VII REGIONAL HEARING CLERK

The City of Topeka ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to comply with its National Pollutant Discharge Élimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties to enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$9,250. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C.

§ 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective thirty (30) days from the date it is signed by the Appropriate Official, Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to:

U.S. EPA, Region 7 P.O. Box 371099M Pittsburgh, PA 15251

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue

a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22.

Peculip 1 Delal 12/28/67
William A. Spratlin
Director
Water, Wetlands, and Pesticides Division
APPROVED BY RESPONDENT:
Name (print): Norton N. Bonaparte, Jr.
Title (print): City Manager
Signature: Date: 007 1 8 2007
More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and BPA has received no comments concerning this matter.
Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:
Robert Date Jan. 2, 2008
Robert J. Patrick
Regional Judicial Office ATTEST:
Compan Dounger
CITY CLERK
Paragramma managram m
APPROVED AS TO FORM & LEGALITY
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» OCT 18 2007

CITY ATTORNEY'S OFFICE

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

KS-S-MCST-0110-1

practices

SWPPP does not describe permanent stabilization

practices

12 SWPPP does not describe a schedule to implement stabilization practices



\$250.00 =

	LEGAL NAME AND MAILING ADDRESS OF OPERA	ATOR ATOR	Telephone Numi	er		VPDES Pen	nit Number.	
1	City of Topeka		(785) 368-3842		※ 割	KS-R403949		
4 1	620 SE Madison, 2nd Floor		Inspector Name:		8	Sta Germain	BERENE NO.	
	Topeka, KS:68607		Inspector Agency		ij	USIERA開機	Maria Carlos	新州,新华地工 工
b			Entrance Interview				Yes	
	LOCATION AND ADDRESS OF SITE	SARE E ESPÉCICIÓN ACADOLISMO NO CO	Exit Interview Cor Exit Interview give		R	Jeff Huntel	5 2 3 3 3 3 3	
21	Lauren's Bay Villas		Full Intendew tim	9! '	13	12:00	Date:	04707/12007美
1 1,	SW 44th St and SW Shenandoah		201000000		APP			经金额 医阴影
	Topeka, Kansas		4					
L12	Charles and Charles and an experience and an experience and the charles and an experience and an exper			* .				
	FACILITY DESCRIPTION / CONTACT NAMES	e Contact (ESO Worksheet recipient)	Hamunava vari	20 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	250.505	OPENIEW AS A	SALOS SILE ESTOR	N. SEPTEMBERS OF THE
	Name of Site	of Authorized Official (40 CFR 122.22)	:Deff.Hunting		884AE			of the second
1 1		Inspection Date	: 04/17/2007		4	\$2.00 ASA		
1		Start Construction Date	108/28/2006		(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)		en geda e en yeur. Guarria esta esta da	The Control
	Estir If I tanarmi	mated Completion Construction Date itted, Number of Months Unpermitted	1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10.301201203020	通数	Polysky/Sojes	কলে সৌন্ধান	en tomation
	at a strong Manager to Manager to Manager	Dady Undirate whether 303(d) listed)	*Tribulary to West	Branch Shundahu	naa C	BEK SHIPS	the about the second and a	CANAGE CO. C. S. P.
	S Agent Represently Districted Acres	e ta ha Disturbed in Whole Common Plan	19.00	4 Section 18 Section 19	6 22	18.00		
	Has Operator Requested Rainfall Eroslvity or	r TMDL Walver par 44 CFR 122.26(b)(15)	There's Nobel 1986	Terraming a control of the second	<u></u>			
F					R	No. of	p. 47.	
1			Citation Reference**	State Citation Reference***	C A*	Deficien- ' cles	Dollar Amount	Tota
		Votes	ICWA 301	KAR 28-16-153	徐级	eder saker	\$500.00	
3	Operator unpermitted formonths (# months unpermitted equals number of violations)				988	张数规		<u> </u>
ļ <u>l</u>								
	SWPPP REVIEW	IN STANCE OF THE	CGP 3.1.A	IKSGP VII p.6	19mm		\$5,000.00	z[
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)			, , , , , , , , , , , , , , , , , , , ,	100			
5	SWPPP prepared but prepared after construction		CGP 3.1.A	KSGP VII p.6			\$75.00	=
	start (# of months = # of violations)		CGP 3.1.B	KSGP VII p.8	920	The second	\$250.00	
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks.		000 3,1,0	ROOF VII DIO				
.	staging areas, waste containers, chemical							-
	storage areas, concrete cure, paints, solvents,		CGP 3.3.A	KSGP VII p.7	31.2 2006	SEXUSERUS	\$500.00	
7	SWPPP does not identify all operators for the		106P 3.3,A	Lagr. All by			1	I
	project site and the areas of the site over which each operator has control		·		1848			
8	SWPPP does not have site description, as follows: S	Site map does not show! afeas of					10000	
	· - - - - - - - - -	disturbance, name of receiving waters: stockpile areas, equipment storage	CGP 3,3.B,1	KSGP VII p.7	23.6		\$100.00	=
		stockpile aleas equipme il storage areas, or areas of final stabilization	CGP 3.3.B.1	KSGP VII p.7		00000	\$100.00	22
	C Total disturbed acreage		CGP 3.3.B.3	KSGP VII p.7	施器		\$100.00	
	D General location map		CGP 3.3.B.4	KSGP VII p.7		2000 CO CO	\$100,00 \$500,00	
1	E Site map		CGP 3.3.C CGP 3.3.C.1-8	KSGP VII p.7	1	1805 E >	\$50.00	
	F Site map does not show drainage patterns, slopes, areas of disturbance, locations of		1	The second second		京都表		
1	major controls, structural practices shown,				13			
	stabilization practices, offsite materials, waste,	area de la constanta de la cons	E .		23	600		
	borrow or equipment storage areas, surface		<u> </u>					
•	waters, discharge points, areas of final stabilization (count each omission under 8F as 1		4		136			
	L. Sudatelani		() 	Sira	1000	9868428634 88684288	-	_
	G Location/description industrial activities, like		CGP 3.3.D	N/A		學學型		
	concrete or asphalt batch plants			200				
1 "	A Describe all pollution control measures (e.g.		CGP 3.4.A	KSGP VII p.7	1	黎林	\$750.00	=
	I⊕ BMPs)		CGP 3.4.A	KSGP VII p.7	1385		\$250.00	-
	B Describe sequence for implementation		3.4.A	TOOK VII PIT	1	56-78-88-5	+100.00	
l	C Detail operator(s) responsible for implementation		CGP 3.4.A	NIA	100	6355 35 55 56 65 6 7 5 5		
L	f; · · f		- CCB 2 4 B	KSGP VII p.7 &	V. 548	assaine ()-	\$250.00	=
10	SWPPP does not describe interim stabilization		CGP 3,4.B	p.8				1
ı	To Transferes	The second of gradient and the second of the			1	Transport March Manager	0050 00	_ 5

CGP 3.4.B

CGP 3.4.8

KSGP VII p.7 &

p.8 KSGP VII p.7

						Dental Engineering		
13	1	following dates are not recorded: major grading		CGP 3.4.C.1-3	N/A			. [
l li	ŀ	activities; construction temporarily or permanently					11	1
	·	ceased; stabilization measures initiated (count			1			1
l E		each omission under 13 as 1 violation)						<u> </u>
	Ц,			CGP 3.4.D	KSGP VII p.8	VIEWS IN	\$600.00 =	
14	. !	SWPPP does not have description of structural					1	ŀ
1 1		practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas						
		SWPPP does not have a description of measures		CGP 3.4.E	KSGP VII p.8	建筑建筑	\$500.00 =	1
15	- [that will be installed during the construction		•		XX 200		1
	- 1	process to control pollutants in storm water	[통점점호] 문화하다 받아. 이제 [1	K 15.75 & 1	. [1
1 1		discharges that will occur AFTER construction	-9.2117.A. h. 1		'			1
l 1:		operations have been completed	kom delektrika (delektrika)	4		1.23 (4.83 CV)		
16		SWPPP does not describe measures to prevent		CGP 3.4.F	KSGP VII p.8		\$500.00 =	i
I '~[:		discharge of solid materials to waters of the US,			1		11	
1 1		except as authorized by 404 permit	4. 据书 14. 14. 14. 14. 14. 14. 14. 14. 14. 14.		ļ	A DESCRIPTION OF THE PROPERTY	\$500.00 =	
17		SWPPP does not describe measures to minimize		CGP 3.4.G	KSGP VII p.8		\$500,00	
1		off-site vehicle tracking and generation of dust						
1 1				200211	KSGP VII p.8	2522 2522 2522 2522 252 252 252 252 252	\$250.00 =	
18		SWPPP does not include description of	30. 757 中国动物的图像中国中国	CGP 3.4.H	Noge vii p.o		V	
1 1	. 1	construction or waste materials expected to be						
1		stored on site w/updates re: controls used to						·
L		reduce poliutants from these materials		CGP 3.4.I	N/A	ACC 19-303-002-9		
19	1	SWPPP does not have description of pollutant		00, 0.1.	1.777			
1 1	J	sources from areas other than construction		l				1
		(asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials					ļ.	
1		to reduce pollutarits from these materials						<u> </u>
 	4	SWPPP does not identify allowable sources of		CGP 3.5	N/A		1	
20	1	non-storm water discharges listed in subpart 1.3.B					1	1 1
	ģ'.	of the CGP	14. 美国企业			AND WARRANGE		ļ
21	11	SWPPP does not identify/ensure implementation	国际工作公司工作的通过工作	CGP 3.5	NIA		ĺ	
[~]	, 8	of pollution prevention measures for non-storm						
1	.)	water discharges	Manager and Committee of Committee			1500 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		
22	43	Endangered Species Act documentation is not in			N/A			! .
		SWPPP			is special and deliver			
23	34	Historic Properties (Reserved)						
L		2005	Company of the state of the sta	CGP 3.8	N/A	201 2012 201		
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)						
	444	SWPPP is not consistent with requirements		CGP 3.9 .	N/A		· 1	ļ !
25	42	specified in applicable sediment and erosion site		'			.]	
		plans or site permits, or storm water management		1	'	文学教育学 语	1	
		plans or site permits approved by State, Tribal or	The state of the s			100 THE 100		1
Ι.		local officials (e.g., MS4 requirements)		4		100 Martin 1		
	1/1		MALADAPASA DATA SECTIONA		-\	Clear 20/3/2/20/3/20/		
26	1.7	SWPPP has not been updated to remain	ALEMENT OF THE CONTRACT	CGP 3.9	N/A	90 (80 8) 8		
		consistent with changes applicable to protecting	MARKAR YE HERES	:1	1			1
1		surface waters in State, Tribal or local erosion	ACTOR DESIGNATION OF THE PARTY	į.		d di di di di di		
		plans	55 00 00 00 00 00 00 00 00 00 00 00 00 0	CGP 3.10.G	KSGP IX p.9	2000 1000000000000000000000000000000000	\$500.00 =	
27		Copies of Inspection reports have not been						
1		retained as part of the SWPPP for 3 years from		i				
	35	date permit coverage terminates SWPPP has not been updated/modified to reflect	CONTRACTOR AND	CGP 3.11.C	KSGP VII p.8	(C)	\$50.00 =	1
28	1	change at site effecting discharge, or where						1
		inspections identify SWPPP/BMPs as ineffective,	图 注题 49 图 37 图 图 图 图 图	9	Ę.			
	i si	updates to SWPPP regarding modifications to	TENNEY CONTROL				ļ	1
1	13	BMPs not made within 7 days of such inspection			1			1
I	1	(count each omission under under 28 as 1	WHAT THE PROPERTY OF	8	1			'j ł
1	Ľ	violation)			1000	\$15C \$2000125200	\$500:00 =	
29	1	Capy of SWPPP not retained on site		CGP 3.12.A	KSGP VII p.7 KSGP VII p.7		\$500.00	
1	150	A SWPPP not made available upon request		CGP 3,12.C	KSGP VII p.7	92.02 0000000000	\$500.00	
30	14			CGP 3.12.D	LOGE IN P. 10			ļ i
L	Ŀ		[20] 15 [4] [4] [4] [4] [4] [4] [4] [4] [4] [4]	<u> </u>	<u> </u>	1 ANY OF THE PROPERTY OF THE PARTY OF THE PA		
			8					
1	18:275	INSPECTIONS Inspections not performed and documented either	Miclosup Simonthly inspections	CGP 3.10.A,	KSGP VII p.9	35524 X	\$250.00	= \$6,000
31		Inspections not performed and documented entire once every 7 days, or once every 14 days and	Fifteen rain events with at least 0.5	3.10.B				
1	1.0	within 24 hours after storm event greater than	inch rain from Aug. 28, 2006 through	3			1 . 1	1
	12	0.6 inches or greater (not required if: temp	April 17, 2007	¥				ļ l
ļ		Letabilization: manoff untilkely due to winter	一篇的美数是100万亿元,特别在100万元至40万	4				
1	13	conditions: construction during arid periods in arid	中的經濟學學的學學學學			1000 经经营设施		
l		lareas) (Count each fallure to Inspect and	- 際語であるわれたことがよりにはつ	-1		经验验		
1		(document as one violation).	Bulletin State Control of the Contro	·		TRUES	True or	
		No inspections conducted and documented (if	ALL MORE THANKS	31		A STATE OF THE STATE OF	False	1
	تا	True, then leave elements 32-39 blank)	33	1001613-001-00				
		Number of inspections expected if performed	1					
	-		16					
ľ		weekly:						
1	+	If known, number of days of rainfall of >0,5"	15					
i	1.		· 拉斯特斯克尔斯坦克拉斯 斯克斯斯氏形式	1				A American Inschall State of the Gallet W.

32	s, 1	inspections not conducted by qualified personnel	60000年代的特别的10世上中的1980年[6]	CGP 3.10.D	N/A			\$50.00	=
	7.3	All areas disturbed by construction activity or used		CGP 3.10.E	KSGP VII p.9			\$50.00	
33		for storage of materials and which exposed to		• • • • • • • • • • • • • • • • • • • •			1		
34	秦 .	precipitation not inspected All pollution control measures not inspected to		CGP 3,10,E	KSGP VII p.9			\$50.00	P
35	b(ensure proper operation Discharge locations are not observed and		CGP 3.10.E	KSGP VII p.9			\$50.00	
	23	inspected For discharge locations that are πot accessible,		CGP 3.10.E	KSGP VII p.9	1922 1933	-	\$50.00	*
36	23	nearby locations are not inspected		CGP 3.10:E	N/A	200			<u> </u>
37	1	Entrance/exit not inspected for off-site tracking						20000	
38		Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G	KSGP VII p.9			\$50.00	1
39		inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G	V2GL All b'a				
		AVAILABILITY OF RECORDS		IOOD O COD	farra	Tables Total	onenesel		II
40	3.4	Sign/notice not posted		CGP 3.12.B CGP 3.12.B	NIA KSGP V p.5			\$50.00	2
	- 5	Does not contain copy of complete NOI Location of SWPPP or contact person for		CGP 3.12.B	N/A			1	
	# #2	scheduling viewing times where on-site location		- Contraction of the Contraction					
	LE	for SWPPP unavailable not noted on sign	to the state of th	· · · · · · · · · · · · · · · · · · ·					
41		BEST MANAGEMENT PRACTICES No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F	KSGP VII p.8			\$500.00	=
42	A	Control measures are not properly: Selected, installed and maintained	Nő silt lence along SW Stoneybrook Drive and SW Shanandoah Roadi lack of curb inlet protection (4 stated in	CGP 3.13.A	KSGP VII p.6 & p.7		8	X \$500.00	<u> </u>
	B	Maintenance not performed prior to next anticipated storm event	NOPV	CGP 3.6.B	KSGP VII p 6 & p.9			\$259.00	
	124 (数)	(count each failure to select, install, maintain each BMP as one violation							
43	A 10 4	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.5	N/A				
44	1386	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source		CGP 3.13.C	KSGP VII p.8			\$500.00	
45		(e.g. screening outfalls, pickup dally, etc.) Stabilization measures are not initiated as soon as practible on portions of the site where constructior activities have temporarily or permanently ceased within 14 days after such cessation	国際影響 医乳球球球 澳洲 医 克里氏 医二十二十二	CGP 3.13.D	KSGP VII p.8			\$500.00	
	会が大学	*Exceptions: (a) Snow or frozen ground conditions (b) Activities will be resumed within 14 days			N/A N/A N/A				
_	48	(c) Arid or Semi-arid areas (<20 inches per		CGF 3.13.E.1	N/A KSGP VII p:8	100 P		\$1,000.0) =
40		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained	en e		·			24 000 0	
	100	Where sedimentation basin not attainable, smalle sediment basins, sediment traps, or erosion controls not implemented for downslooe		CGP 3.13.E.2	KSGP VII p.8			\$1,000.0	
	1888	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3,6.C	NIA				
4	7 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all dow slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		CGP 3.13.E.3	KSGP VII p.7 & p.8		irii	\$500,0	Y
	100	A Sediment not removed from sediment trap when a design capacity reduced by 50% or more		CGP 3.6.C	N/A				
4	8	SMALL BUSINESS EVALUATION Is the Owner/Operator a Small Business?				X14	\$2008. \$2008.	<u> </u>	

,

A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.



Total Expedited Settlement:

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

** Kansas Water Pollution Control General Permit and Authorization to Discharge - issued by KDHE on March 1, 2003 - http://kdhe.state.ks.us/stormwater/resources/cgp_revisions/

IN THE MATTER OF The City of Topeka, Respondent Docket No. CWA-07-2007-0083

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement was sent this day in the following manner to the addressees:

Copy hand delivered to Attorney for Complainant:

Kristina Gonzales Assistant Regional Counsel Region VII United States Environmental Protection Agency 901 N. 5th Street Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Norton N Bonaparte, Jr. City Manager City of Topeka 620 SE Madison, 2nd Floor Topeka, Kansas 66607

Dated: <u>1/2/08</u>

Kathy Robinson

Hearing Clerk, Region 7